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REMARKS

Reconsideration of the application as amended is requested.

Applicant notes with appreciation the Examiner's indication that claims 1-9 are allowed, and that claims 12-13 and 18 contain allowable subject matter.

In the Office Action dated November 8, 2004, claims 10, 11, 14, 15, 26 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by Kemp U.S. Patent No. 4,704,828. Claims 16 and 28-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kemp '828 in view of Poole U.S. Patent No. 6,484,455. Claims 17, 19, 20 and 32-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kemp '828 in view of Gavin U.S. Patent No. 6,484,451. Claims 21-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kemp '828 in view of Bradley et al. U.S. Patent No. 6,773,206. Claims 24 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kemp '828 in view of Bradley et al. '206.

Independent claim 10 has been amended to recite a vertical wall member and first and second horizontally spaced-apart extension wall members extending from the first and second end portions, respectively. The first extension wall member has a first side edge portion secured to the first end portion, and the second extension wall member has a first side edge portion secured to the second end portion. Each extension wall member further includes a second side edge portion that is horizontally spaced from the first side edge portion, and including connecting structure for securing the extension wall member to the foundation of a building.

The extension wall members (Figs. 8-11) of the present application space the window well outwardly from the building wall to thereby provide a larger or smaller window well as required for a particular application. Kemp '828 is not believed to disclose or suggest such an arrangement. Rather, Kemp '828 discloses a window well including separate sections 10 that can be assembled in a stacked relationship one on top of another.

Claims 11, 14-17, 19 and 20 depend from claim 10, and are therefore believed to be allowable for those reasons set forth above with respect to claim 10.

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Independent claim 26 has been amended to recite a window well member including vertically extending attachment flange structure adjacent opposite side edges of a side wall and stop structures extending transversely relative to the flange structure adjacent each side edge of the side wall. With reference to Fig. 3 of the present application, tabs or stops 35 are configured to contact attachment flanges 16 of an adjacent window well member 2 when nested to thereby facilitate shipping. Applicant submits that Kemp '828 does not disclose or suggest a stop structure extending transversely relative to a flange structure as recited in amended claim 26.

Claim 27 depends from claim 26, and is therefore believed to be allowable for those reasons set forth above with respect to claim 26.

Independent claim 28, as amended, recites upper and lower webs forming a step, and a web extending transversely towards the central space of the upright wall, and extending between and interconnecting the upper and lower webs to reinforce the step.

As illustrated in Figs. 4, 6 and 7 of the present application, the window well of the present application includes an upper wall 12, a lower wall 13, and a pair of reinforcement ribs 38 that extend between and interconnect the side walls 12 and 13. While Poole '455 does disclose steps 12, Applicant submits that neither Poole '455 nor any of the other cited references disclose a step including upper and lower webs with a web extending transversely towards a central space and extending between and interconnecting the upper and lower webs as recited in amended claim 28.

Claims 29-32 depend from claim 28, and are therefore believed to be allowable for those reasons set forth above with respect to claim 28.

Independent claim 33 has been amended to recite that an upright portion of the first upright wall member overlaps the second wall member, and the overlapping portion of the first wall member includes a boss having a cavity facing an upright portion of the second wall member, such that a fastener can be extended generally horizontally through the second wall member and into the boss to interconnect the first and second wall members. The bosses 41 (Fig. 7) of the present application permit adjacent stacked window wells 2 to be quickly and securely interconnected. Applicant respectfully submits that the cited references do not

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disclose or suggest overlapping upright portions of first and second wall members including a boss as recited in amended claim 33.

Claims 34-38 depend from claim 33, and are therefore believed to be allowable for those reasons set forth above with respect to amended claim 33.

Applicant has made a concerted effort to place the present application in condition for allowance, and a notice to this effect is earnestly solicited. In the event there are any remaining informalities, the courtesy of a telephone call to the undersigned attorney would be appreciated.

Respectfully submitted,

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Date

2/4/05

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